



Dkt. 796/76794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jan Wendelin Stark et al.
Serial No.: 10/592,913 Examiner: B. Ahvazi
Date Filed: November 13, 2006 Group Art Unit: 1796
For : FLAME SYNTHESIS OF METAL SALT NANOPARTICLES,
IN PARTICULAR CALCIUM AND PHOSPHATE
COMPRISING NANOPARTICLES

30 Rockefeller Plaza
New York, N.Y. 10112

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner Eidgenössische Technische Hochschule Zürich, having a place of business at Ramistrasse 101, CH-8092, Zurich, Switzerland, is the assignee of record of the entire right, title, and interest in and to the above-identified application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office on November 20, 2006 at Reel 018651, Frames 0145-0149 in the subject application.

Petitioner is also the assignee of record of the entire right, title, and interest in and to the U.S. Serial No. 10/557,399 by virtue of an Assignment recorded in the U.S. Patent and Trademark Office on March 16, 2006 at Reel 017671, Frames 0204-0207.

Petitioner hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent

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Exhibit 1

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granted on the subject application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on commonly assigned U.S. Serial No. 10/557,399. Petitioner hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that such patent and any patent granted on U.S. Serial No. 10/557,399 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, petitioner does not disclaim the terminal portion of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on U.S. Serial No. 10/557,399 in the event that such patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I certify that, to the best of my knowledge and belief, Eidgenössische Technische Hochschule Zürich is the assignee of all right, title and interest in and to the subject application and the U.S. Serial No. 10/557,399. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of Eidgenössische Technische Hochschule Zürich.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that any willful false statement and the like so made is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Eidgenössische Technische
Hochschule Zürich

Date: April, 12, 2010

Silke Meyns
(signature)

SILKE MEYNS
(name)

Dr. Silke Meyns
Technology Manager ETH Zurich

(title)